

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

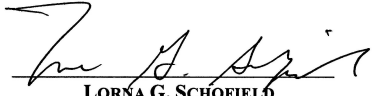
Bashir Alhalemi,  
Plaintiff,  
v.  
City University of New York,  
Defendant.

Application **DENIED**. Plaintiff's motion is being held in abeyance in order to ensure prompt service of the original Complaint and summons on Defendant by the U.S. Marshals Service. The filing of an Amended Complaint now would further delay service and bringing the Defendant into this action. Plaintiff will be provided an opportunity to clarify the issues raised in his proposed Amended Complaint at the initial pretrial conference. The Clerk of Court is respectfully directed to close the motion at Dkt. No. 14.

Dated: November 8, 2024  
New York, New York

Civil Action No.: 1:24-CV-06975-LGS

MOTION TO EXPEDITE CONSIDERATION ON MOTION TO AMEND  
TO THE HONORABLE COURT:



LORNA G. SCHOFIELD  
UNITED STATES DISTRICT JUDGE

Plaintiff, Bashir Alhalemi, respectfully moves this Court to expedite consideration of Plaintiff's Motion to Amend Complaint filed on October 18, 2024. Plaintiff seeks prompt consideration of this motion to avoid unnecessary delays in proceedings and to clarify the issues prior to the initial pretrial conference.

I. BACKGROUND

1. Plaintiff filed the original Complaint on September 10, 2024, alleging that Defendant, the City University of New York ("CUNY"), implemented an inaccessible learning management system and failed to provide reasonable accommodations in violation of federal and state disability laws.
2. On October 18, 2024, Plaintiff filed a Motion to Amend Complaint under Rule 15(a)(2) to add compensatory damages, remove certain factual allegations, and include a new issue regarding accessibility problems with the Brightspace mobile app.
3. At the time of filing the Motion to Amend, Defendant had not yet filed a responsive pleading, and therefore Plaintiff was allowed to amend the complaint as of right under Rule 15(a)(1)(B).
4. On October 24, 2024, the Court held Plaintiff's Motion to Amend in abeyance until the initial pretrial conference.
5. Plaintiff believes that expedited consideration is warranted to establish the operative complaint early and allow for effective preparation before the initial pretrial conference.

II. REASONS FOR EXPEDITED CONSIDERATION

6. Eligibility for Amendment as of Right: Although Plaintiff filed under Rule 15(a)(2), Plaintiff was eligible to file the amendment under Rule 15(a)(1) as an amendment of right, as no responsive pleading had been filed by the Defendant. Expedited consideration would recognize Plaintiff's timely right to amend.

7. Avoiding Delays and Clarifying Issues: Granting expedited consideration will avoid delays in defining the claims at issue in this case. A prompt ruling on the Motion to Amend will clarify Plaintiff's claims and allow the parties to prepare for an efficient initial pretrial conference.

8. No Prejudice to Defendant: Since Defendant has not yet filed a responsive pleading, an expedited ruling on the Motion to Amend will not prejudice Defendant, as the amendments are based on the same factual circumstances and do not introduce new legal theories.

### III. CONCLUSION

For the foregoing reasons, Plaintiff respectfully requests that this Court expedite consideration of Plaintiff's Motion to Amend Complaint and issue a ruling on the motion prior to the initial pretrial conference.

Dated: October 30, 2024

Respectfully submitted,

/s/ Bashir Alhalemi

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